

To: Insurance and Real Estate Committee  
From: Adam Butera  
Subject: H.B. No. 6656 - An Act Concerning Liability Insurance for Firearm Possessors or Owners  
Date: March 19, 2013  
Position: Oppose

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Dear Representatives:

I write in opposition to House Bill 6656.

First and foremost, should H.B. 6656 become law, it will almost certainly be struck down as unconstitutional by a court of law. In the wake of District of Columbia v. Heller and McDonald v. Chicago, the state of Connecticut would have no authority to mandate onerous insurance requirements as a condition to the exercise of fundamental rights enumerated in the U.S. and Connecticut Constitutions, including the right to possess an ordinary firearm in one's home for self-defense, any more than the state can impose criminal penalties on the press to deter or compensate for slander or libel.

Further, severe civil and criminal liability exposure already exists to deter the abuse of firearms. H.B. 6656 would levy a new annual tax on law abiding citizens (who were already screened for criminal convictions) who purchase a firearm for self-defense, but will have no meaningful effect in deterring felons or mentally incompetent from illegally possessing them. If Connecticut's vast array of criminal and civil penalties is not already a deterrent for the reckless or willful use of a firearm, an insurance mandate will have no meaningful effect in deterring such behavior.

Ironically, such legislation would actually weaken gun violence prevention already on the books by affording a perpetrator liability protection for his wrongful acts. H.B. 6656 would translate into policyholders subsidizing the defense of the criminally negligent. Moreover, insurance would operate to shield criminals and intentional tortfeasors from the consequences of their bad acts since insurers are often reluctant for various reasons to sue their own insureds to recoup losses paid to third parties.

If the concern is to compensate victims of a negligently handled firearm - a statistically small fraction of gun-related injuries - homeowners insurance already affords third parties a "pocket" from which to recover for their injuries. Further, the Connecticut Office of Victim Services already affords compensation to victims through the Criminal Injuries Compensation Fund. Connecticut should consider expanding the scope and funding for this program if victim compensation is its true objective.

Lastly, the law would impose an undue financial burden on Connecticut residents, especially the indigent, who are more likely to reside or work in locations in which a firearm is needed for self-defense. There appears to be little appreciation for the cost of annual premiums that would be imposed by insurers for simply owning a firearm. Insurance representatives are on record as uniformly opposing the concept of state mandated insurance for firearms, due in part to the complex patchwork of state and federal laws governing firearms. One would expect the cost of implementing a mandatory insurance program, with no assurances of any price controls (and little appetite among insurers to sell the product if there were such controls), to be passed down to insurance consumers in the form of unduly burdensome annual premiums.

I would respectfully urge the Committee to thoroughly consider and weigh the risks and benefits before making your final decision to refer this Bill to the House.

Respectfully,

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